

appears to be the tubular supports 130, which support the cushion 131 in Figure 3 of Group 2. As such, Claim 7 was correctly withdrawn from consideration.

In response to the Examiner's restriction, Claims 6 and 8 have been withdrawn as requested by the Examiner.

REMARKS

Applicant respectfully offers the following to better describe Applicant's invention and novel features and differentiate it from Welsh and the other art cited by the Examiner. In response to the Examiner's objections and rejection, claims 1-4 have been further amended, and claims 6 and 8 have been withdrawn. Claim 7 was previously withdrawn.

Applicant believes that the claims of the present invention, as amended, are novel and non-obvious. None of the prior art cited by the Examiner or found by the Applicant discloses or suggests the unique and novel combination of a side seat cushion for a passenger seat mounted directly to the frame of a motorcycle, which side seat extends laterally from the motorcycle passenger seat. The present invention has "universal" application, unlike prior art.

Background

By way of explanation, Figure 2 embodies that which the Examiner references as the Group I claims that includes claims 1-5. The embodiment demonstrated in Figure 2 is the same embodiment of Applicant's Supplement Motorcycle Seat illustrated in Figure 4, except the Supplemental Motorcycle Seat partially attaches to a tour pack secured to the frame of a motorcycle. Claims 1-5 reference the Group I embodiment best illustrated in Figure 4.

Title

The Examiner has objected to the title as directed to a trade name. The title has been modified to Supplemental Motorcycle Seat, as requested by the Examiner.

Objections

The Examiner rejected claims 2-5 based on the technical deficiencies set forth above. Applicant has addressed the indicated deficiencies. Specifically, in claim 2, the support means has been modified to “side seat support”. Claim 3 has been modified to recite “at least one” motorcycle accessory support, replacing the language of “one” motorcycle accessory support, “or more” referenced by the Examiner. The Examiner has questioned the reference “a support plate secured between the first and second legs of the U-shaped portion of the tubular support to define a platform for supporting a motorcycle seat cushion”. This reference is support plate 70 illustrated in Figure 4 of the original application.

In claim 4, the Examiner has indicated it is unclear if applicant intends to positively claim the combination of a seat assembly and a motorcycle passenger seat, or the sub-combination of a seat assembly for use with a motorcycle passenger seat. Applicant intends to claim the sub-combination of a seat assembly for use with a motorcycle passenger seat. The Examiner accurately recites that the independent claim recites a “seat assembly for a motorcycle equipped with a passenger seat”. The motorcycle to which the supplemental seat arrangement is attached is expected to come with a passenger seat. Claim 4 is directed to the supplemental seat arrangement only. Additionally, lines 8-10 have been revised to more specifically describe a pair of tubular supports, each supporting a seat cushion such that the seat cushions are mounted on opposite sides of the passenger seat.

Rejections

The Examiner has asserted that claim 1 is anticipated by Welsh. However, Welsh is simply a flexible saddle that rests upon the seat itself. Hook and loop fasteners are utilized to adjust the separation of the side cushions to the size of various driver seats. However, the means for supporting the Welsh saddle seat is simply a non-slip material such as rubber. The Welsh saddle seat does not provide independent support secured to the motorcycle frame. Applicant’s Supplemental Motorcycle Seat is not intended to secure to the front of a driver’s seat, but rather

is intended to supplement a passenger seat by providing firm, independent support. Welsh provides support to a different portion of the human anatomy, forward of the buttocks, and is susceptible to shifting or movement upon movement of the driver. This is because the Welsh saddle seat is completely reliant on friction between the saddle seat and the motorcycle driver seat. Applicant's Supplemental Motorcycle Seat is designed for the passenger, is secured to the motorcycle frame (not the seat itself) and therefore will not move with shifting of the passenger.

Applicant respectfully asserts that its claim 1, which has been slightly modified to further emphasize a frame mount and a passenger seat, which differentiates Applicant's Supplemental Motorcycle Seat from the Welsh saddle seat. This language clearly distinguishes Applicant's Supplemental Motorcycle Seat from the Welsh forward mounted saddle seat for the motorcycle driver. Claim 1 is believed to recite distinctive and unanticipated functionality, not taught or suggested by the Welsh saddle seat and is believed to be in condition for allowance.

Claim 2, dependent upon allowable claim 1, should be allowable for the same reasons.

Independent claim 3 also reflects the side saddles being mounted to accessory supports carried by the motorcycle frame and recites it is for use with a passenger seat. Claim 3 and Claims 4 and 5, dependent from Claim 3, are believed in condition for allowance for the same reasons.

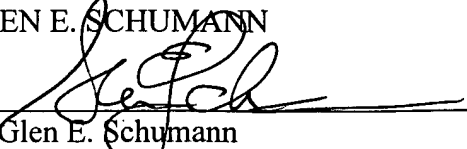
Claim 6, which is a Group II (Figure 3) embodiment, has been withdrawn. As previously indicated, claim 8, drawn to a tour pack assembly, has been withdrawn by the Examiner as it is directed to a combination tour pack frame and seat assembly classified in Class 297, subclass 188.12.

Based upon the arguments of Applicant herein, it is submitted that the Application, as amended, is in condition for allowance and reconsideration of claims 1-5 is respectfully requested.

Respectfully submitted,

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